

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ROBERT KEARY, et al.,

Plaintiffs,

Civil Case Nos.

12-CV-15359

vs.

HON. MARK A. GOLDSMITH

U.S. BANK NATIONAL
ASSOCIATION ND, et al.,

Defendants.

**ORDER WITHDRAWING THE REFERENCE TO THE MAGISTRATE JUDGE AND
DENYING PLAINTIFFS' MOTION FOR RELIEF UNDER FEDERAL RULE OF CIVIL
PROCEDURE 60(b)**

On March 28, 2013 and May 30, 2013, the Court issued orders referring the presently pending motion for relief from judgment under Federal Rule of Civil Procedure 60(b) to Magistrate Judge Mona K. Majzoub with specific instructions. Upon further reflection, however, the Court concludes that the orders of reference should be withdrawn and that Plaintiffs' motion for relief under Rule 60(b) should be summarily denied as procedurally defective on its face. The motion seeks relief from a judgment entered in another case – case number 11-CV-15133. Accordingly, the motion is not properly filed on the docket of the present case. Should Plaintiffs wish to pursue the relief they currently seek – namely, relief from the judgment entered in case number 11-CV-15133 – they are granted leave to file an appropriate motion on the docket of that case. Any motion filed in that case must (i) clearly and plainly explain the basis for the relief requested, and (ii) cite applicable authority in support of the relief requested. In addition, any facts on which the motion is based must be set forth in a sworn affidavit. Failure to comply with this order may result in the motion being struck.

SO ORDERED.

Dated: June 6, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 6, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager